

REMARKS

The Examiner has deemed the Response filed July 31, 2003, as non-responsive.

Applicants respectfully traverse.

In the Office Communication, the Examiner states:

“prosecution in this case is properly *restricted* under 35 U.S.C. § 121 to the elected embodiment, V79B.” See Office Communication, at page 2, line 30-31, **emphasis** added in the original.

Applicants courteously point out that the Examiner appears to be equating an Election of Species with a Restriction Requirement. This is clearly erroneous.

Furthermore, the Office Communication appears to suggest that the structure of the amended claims is somehow limited, even though, as addressed in the Response filed July 31, 2003, the currently presented claims are entirely within the scope of the previously examined claims. In fact, the Office Communication appears to be suggesting that Applicants are limited to presenting the originally examined claims. Applicants take exception, and note that under Election of Species practice, the entire scope of the claim is to be examined unless some species within the scope of the claims is properly rejected.

Applicants respectfully request that examination on the merits proceed. In the event that the Examiner deems that this Response is somehow not responsive in any way, Applicants request that the Primary Examiner schedule an interview for this application with a member of Technology Center 1600 Executive Management.

CONCLUSION

In the event that the Examiner does not decide to examine the application on the merits with the claims as filed in the Amendment filed June 12, 2003, Applicants respectfully request a

courtesy call to notify Applicants as soon as possible of this determination. If any other points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PIPER RUDNICK LLP

A handwritten signature in black ink, appearing to read 'S. Kelber', is written over a horizontal line.

Steven B. Kelber
Registration No. 30,073
Attorney of Record

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085

Patrick R. Delaney
Registration No. 45,338